



702 - PAID MEDICAL LEAVE (PML)

I. GENERAL

The City provides regular full-time employees with Paid Medical Leave (PML) that can be used for certain personal and family medical-related absences.

Employees may charge PML for pre-approved medical appointments. For the purposes of this policy, pre-approved constitutes prior-day notification. When an employee requests PML for unscheduled medical absences or appointments, PML may only be charged after a qualifying absence for the same medical occurrence when it exceeds eight (8) hours. The first eight (8) hours of leave, prior to charging PML, must be charged to paid personal leave (PPL), compensatory time or leave without pay (LWOP), if no accrued leave is available. If absences for the same medical occurrence continue for more than 12 weeks, another (8) hours of one of the types of leave stated above must be charged each 12-week period, prior to charging additional PML. Unscheduled absences for each separate medical occurrence require that eight (8) hours be charged to other leave prior to using PML.

The requirement of charging the first eight (8) hours of a medical-related absence to other leave prior to charging PML was established by the City as an incentive to minimize unnecessary sick leave usage. In exchange, employees accrue greater amounts of PPL that can be used for any reason, if not used for medical purposes.

Employees are considered to be in an active pay status while on approved PML. PML may not be used until it is accrued. There is no provision for PML to be transferred to another employee.

II. DEFINITIONS

- **Eight (8) Hour Deductible**

The first eight (8) hours of leave for each separate medical occurrence within a 12-week period is known as the eight (8) hour deductible. The eight (8) hour deductible must be charged to leave other than PML.

- **Family Medical Leave Act (FMLA)**

The federal law that entitles eligible employees to take unpaid, job-protected leave of up to 12 workweeks (or up to 26 workweeks of military caregiver leave) within a 12-month period. FMLA covered medical conditions for which an employee shall use PML include the serious health condition of the employee which results in the employee's inability to work or prevents the employee from performing the essential functions of his/her position; the serious health condition of the employee's spouse, parent or child requiring the attendance of the employee, the birth, adoption/foster care placement of a child with the employee (subject to the limitations stated below),

and the care of a Covered Service Member as set forth in Policy 703, Family Medical Leave Act.

- Immediate Family

As it relates to charging PML, immediate family refers to the employee's spouse, child and parent, including in-law, step and foster relationships, or any person for whom the employee has a primary care responsibility.

- Intermittent Leave

Leave that is taken periodically for a few hours a day or for a few days, from time-to-time, on an as-needed basis due to the same medical occurrence.

- Primary Care Giver

- The person who has principal responsibility for providing or ensuring the provision of the majority of the basic needs of another person, such as a child or other relative who is incapacitated or incapable of self-care.

- Same Medical Occurrence

Refers to all approved absences due to incapacity and medical treatment for a specific, individual illness or injury. (See section IX., Medical Occurrences, below.)

III. ACCRUAL

PML is accrued at the following rates:

<u>Employee Type</u>	<u>Accrual Rate Per Month</u>	<u>Accrual Each Semi-Monthly Pay Period</u>	<u>Accrual Each Weekly Pay Period (4 weeks per month)</u>
Regular Full-Time	5.5 hours	2.75 hours	1.375 hours
24-Hour Fire	16 hours	8 hours	N/A

PML is accrued each pay period that an employee is in an active pay status. An active pay status is defined as any period in which an employee is actively working or on paid leave such as PPL, PML or compensatory time.

When Fire Department employees transfer to or from a 24-hour schedule, their PML balance is converted to provide the same leave balance value in the new work schedule. Upon transfer from a 24-hour schedule to a 40-hour schedule, the PML balance is divided by 2.14. Upon transfer from a 40-hour schedule to a 24-hour schedule, the PML balance is multiplied by 2.14. For full policy see Section 609 - Attachment 1, Special Provisions for Fire Schedule Changes.

IV. SITUATIONS THAT QUALIFY FOR PML

PML may be charged for the purposes stated below and for any other serious health conditions covered by the Family Medical Leave Act (FMLA). (Reference Policy 703, Family Medical Leave Act).

PML for Personal Use

1. Non-occupational illness, injury or disability that prevents the employee from being able to perform the essential functions of his/her position, including any disabilities resulting from pregnancy and childbirth. Employees will not be able to charge PML in situations when the City can accommodate the employee in his/her regular position or another job assignment and the employee chooses to take leave. In these cases, the leave must be charged to any accrued paid personal leave (PPL) or compensatory leave, or the time will be unpaid if no accrued paid personal leave (PPL) or compensatory leave remains.
2. Medical, dental, or psychological examinations, therapy, surgery, or treatments required to maintain the sound mental or physical health of the employee.
3. When an employee has contracted or been exposed to a contagious disease that might affect the health of the employee or others.
4. Situations where, in the manager's opinion, the employee's condition jeopardizes the employee, work operations, or others. In these situations, the employee may be required to leave work and take appropriate leave.

PML for Family Purposes

PML may be used to provide medical-related care for members of the immediate family who are incapacitated or incapable of self-care, such as a sick child. The following medical situations are covered.

1. Situations that require the attendance of the employee or that require the employee to transport a covered family member to examinations, therapy, or treatments (such as dependent children or family members who are incapacitated or unable to transport themselves.) Also includes being in attendance for major surgery or other major medical situations, even when the employee is not providing immediate care.
2. To arrange for the care of a covered family member with a serious health condition (such as a private duty nurse or nursing home care.)
3. For the birth of a child of the employee, or the adoption/foster care placement of a child with the employee (subject to the limitations stated in V., below.)

When travel outside the local area is involved to care for or transport a covered family member for medical care, up to a maximum of one day of travel each way may be granted.

Leave to visit covered family members who are incapacitated are not covered by this policy unless the circumstances otherwise fall within the provisions stated above.

V. PML LIMITATIONS FOR CHILDBIRTH, ADOPTION AND FOSTER CARE

City policy limits the amount of PML that can be charged for the birth of a child of the employee, or the adoption/foster care placement of a child with the employee, as stated below. The stated amounts do not include the eight (8) hour deductible. (For 24-hour Fire employees, one workweek equals three (3) duty days.) Note: The time limits listed below only apply to the amount of PML that may be charged for each instance and not the amount of time allowed for FMLA (Reference Section 703 – Family Medical Leave Act).

A. Birth of a Child

PML may be charged upon the birth or hospital release of the child, as follows:

1. Mother – 8 workweeks. Additional PML may be granted when medically required prior to the birth or after the eight (8) week period due to incapacity of the mother or medical condition of the child.
2. Father – 2 workweeks. Additional PML may be granted if the father's presence is medically required to care for the mother or child.

B. Adoption or Foster Care

PML may be charged in preparation for or upon placement, as follows.

1. Primary Care Giver
 - a. Children up to 24 months old - 6 workweeks
 - b. Children 25 months to 6 years old - 4 workweeks
 - c. Children over 6 years old - 1 workweek
2. Secondary Care Giver
 - a. Children 24 months of age or younger - 2 workweeks

VI. PML APPROVAL/USE

A. Approval/Use

Departments are responsible for establishing administrative procedures for requesting and approving PML. PML must be for a qualifying reason, be requested by the appropriate procedure, and be approved in advance when possible. Leave covered by the Family and Medical Leave Act (FMLA) that has been properly requested cannot be denied.

B. Charging PML and Other Leave

PML may only be charged if a qualifying absence exceeds eight (8) hours in a twelve-week period for the same medical occurrence. The first eight (8) hours of leave must be charged to PPL, compensatory time, or LWOP. If no other paid leave is available, the first eight (8) hours will be unpaid.

When PML is exhausted prior to the completion of an employee's leave, the employee must also exhaust all PPL and any compensatory time prior to being placed in an unpaid status.

PPL, compensatory time, or LWOP may be charged for any approved absences that qualify for PML should the employee not desire to charge PML. However, leave taken for any medical reason is subject to the requirements for medical or, return to duty certification, regardless of the type of leave being charged.

C. When the Employee is Able to Work

When leave is taken for personal medical reasons, PML may not be charged if the employee is medically able to perform work that is offered by the City, but declines. In these cases, leave must be charged to any PPL or compensatory time. If such leave is exhausted, the employee will be placed in an unpaid status.

D. Medical Certification/Return to Duty

A "Certification of Health Care Provider" form and a "Return to Duty" form are required for medical-related absences that exceed five consecutive work days (three consecutive duty days for 24-hour Fire employees), but may also be required for leave of any duration. (A Return to Duty form is only required for personal medical absences). Forms are available from the Department of Human Resources. Certifications that are not completed on City forms but provide the same information are also acceptable.

When certification of any employee's personal medical condition is required, a copy of the employee's job description and essential functions/physical demands may be furnished to the health care provider.

If a required Return to Duty form is not submitted in a timely manner, the employee's return to work may be delayed. If the Return to Duty certification indicates the employee is able to perform his/her essential functions, the employee may return to work. If there are work restrictions the department cannot accommodate or if there are questions regarding the certification, contact the Department of Human Resources.

VII. EIGHT (8) HOUR DEDUCTIBLE

Prior to charging PML, up to the first eight (8) hours of absence must be charged to leave other than PML, such as PPL, compensatory time, or LWOP, if accrued leave is not available, for unscheduled medical appointments or absences. This first eight (8) hour period is referred to as an eight (8) hour deductible.

An eight (8) hour deductible must be charged for each separate medical occurrence within a 12-week period, regardless of the length of the employee's workday or whether leave is taken continuously or intermittently. After charging the eight (8) hour deductible, any additional, approved absences for the same medical occurrence within the same 12-week period may be charged to PML.

If absences for the same medical occurrence continue for more than 12-weeks, another eight (8) hour deductible must be charged each 12-week period, prior to accessing PML.

VIII. TWELVE-WEEK PERIOD

As it relates to charging an eight (8) hour deductible each 12-week period prior to charging PML, the 12-week period normally begins when the eight (8) hour deductible is charged.

For part-day absences, the 12-week period begins with the first absence for the specific medical occurrence that is charged toward the eight (8) hour deductible.

When the eight (8) hour deductible consists of numerous, part-day absences and leave for the same medical occurrence continues, the preceding 12-week period should be examined to determine if the eight (8) hour deductible has been satisfied. If part, but not all, of the eight (8) hour deductible has been charged within the preceding 12-week period, the eight (8) hour deductible may be met by charging the remaining portion of the eight (8) hours to leave other than PML.

IX. MEDICAL OCCURRENCES

The following guidelines are used for determining whether certain absences are part of the same or a separate medical occurrence. These guidelines apply regardless of whether the leave is for personal or family medical reasons.

A. Illnesses/Injuries

All approved absences due to incapacity and medical treatment for a specific, individual, non-chronic illness or injury are considered the same occurrence. This includes follow-up examinations, treatment, or therapy. Examples include colds, flu, upset stomach, headaches, broken bones, surgery, and heart attacks.

The recurrence of a condition that is not a continuation of an earlier illness or injury, such as a second cold, another non-related surgery, or another upset stomach is considered a separate occurrence.

B. Chronic Conditions

All approved absences due to incapacity and medical treatment for the same chronic medical condition are considered the same occurrence. Chronic conditions require periodic treatments by a health care provider, continue over an extended period of time, and may cause episodic rather than a continuing period of incapacity. Examples include asthma, diabetes, arthritis, cancer, chronic heart condition, and progressive/debilitating medical conditions.

C. Pregnancy and Childbirth

All approved absences related to pregnancy and childbirth constitute the same occurrence.

D. Dental Care

All preventive and restorative dental care, such as fillings, periodontal treatments, cleanings and similar procedures, done within a related time period are considered the same occurrence. For example, a routine dental checkup reveals that several appointments are needed for fillings and restorative dental work. All absences, including the initial checkup and subsequent appointments for fillings/restorative work, are considered the same occurrence. If a later checkup reveals that more fillings are needed, that checkup and subsequent appointments for fillings are considered a separate occurrence. All orthodontic procedures and treatments are considered the same occurrence.

Emergency procedures such as a broken tooth, root canal, or emergency extraction are generally considered to be separate occurrences.

E. Medical Occurrences for Different Family Members

Leave taken at different times for different family members with the same illness constitute a separate occurrence for each family member.

F. Supporting Documentation

Medical certification may be required to support the existence of a chronic condition or to determine whether an absence is part of the same occurrence. Sufficient information upon which to base a decision must be provided by the health care provider, but the designated manager may not inquire into the diagnosis of a medical condition.

If an employee, who is requesting PML claims that the eight (8) hour deductible has already been charged, it is the employee's responsibility to provide the date(s) and any supporting evidence that would indicate the absences are for the same medical occurrence, if required.

X. MAXIMUM ACCUMULATION - CREDIT UPON RETIREMENT

There is no limit on the accumulation of PML.

Employees who retire may receive additional credited service for accumulated PML, in accordance with Chapter 31 of the City Code. One month of service is credited for each 160 hours of PML (342 hours for Fire Department employees assigned to 24-hour shifts).

XI. FORFEITURE UPON TERMINATION

Any accumulated PML is forfeited upon termination for any reason other than retirement.

If an employee is reemployed as a regular full-time employee after a break in service of twelve months or less, the employee's PML balance is reinstated. (See Section 404, Rehired and Reinstated Employees.)

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Approved:



City Manager